

office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

5. In a city in which the council has chosen a runoff election, if no person was declared elected for an office all persons who received write-in votes shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner of elections or the city clerk not later than ~~five o'clock~~ 5:00 p.m. on the day following the canvass of votes. If any person who received write-in votes fails to file the affidavit the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

Sec. 55. Section 384.12, subsection 20, paragraphs a and d, Code Supplement 2009, are amended to read as follows:

a. The election may be held as specified in this subsection if notice is given by the city council, not later than ~~thirty-two~~ forty-six days before the first Tuesday in March, to the county commissioner of elections that the election is to be held.

d. The commissioner of elections conducting the election shall notify the city officials and other county auditors where applicable, of the results within two days of the canvass which shall be held ~~beginning at one o'clock~~ on the second day that is not a holiday following the special levy election, ~~and beginning no earlier than 1:00 p.m. on that day.~~

Sec. 56. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. The sections of this Act amending sections 43.30, 43.38, 43.39, 43.45, 43.49, 43.61, 43.72, 47.6, 48A.5, 49.26, 49.70, 49.79, 53.2, 53.39, 53.40, 357J.16, and 384.12, being deemed of immediate importance, take effect upon enactment and apply to elections held on or after May 15, 2010.

Approved March 10, 2010

CHAPTER 1034

NATURAL RESOURCES DEPARTMENT — DATA, REPORTS, FUNDS

S.F. 2243

AN ACT regarding matters under the purview of the department of natural resources, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.152, subsection 2, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The department shall coordinate the data collection with the United States environmental protection agency upon the enactment of a federal mandatory greenhouse gas emission reporting rule.

Sec. 2. Section 455B.851, subsection 9, Code 2009, is amended to read as follows:

9. By ~~September 1~~ December 31 of each year, the department shall submit a report to the governor and the general assembly regarding the greenhouse gas emissions in the state during the previous calendar year and forecasting trends in such emissions. ~~The first submission by the department shall be filed by September 1, 2008, for the calendar year beginning January 1, 2007.~~

Sec. 3. Section 456A.17, Code 2009, is amended to read as follows:

456A.17 Funds — restrictions.

1. The following four funds are created in the state treasury:

~~1.~~ a. A state fish and game protection fund.

~~2.~~ b. A state conservation fund.

~~3.~~ c. An administration fund.

~~4.~~ d. A county conservation board fund.

2. The state fish and game protection fund, except as otherwise provided, consists of all moneys accruing from license fees and all other sources of revenue arising under the fish and wildlife programs. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the state fish and game protection fund shall be credited to that fund.

3. The county conservation board fund consists of all moneys credited to it by law or appropriated to it by the general assembly.

4. The conservation fund, except as otherwise provided, consists of all other funds accruing to the department for the purposes embraced by this chapter.

5. The administration fund shall consist of an equitable portion of the gross amount of the state fish and game protection fund and the state conservation fund, to be determined by the commission, sufficient to pay the expense of administration entailed by this chapter.

6. All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

7. Notwithstanding section 8.33, revenues deposited in the state conservation fund, and remaining in the state conservation fund on June 30 of any fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for one year after the close of the fiscal year during which such revenues were deposited. Any such revenues remaining unexpended at the end of the one-year period during which the revenues are available for expenditure shall revert to the general fund of the state.

8. The department may apply for a loan for the construction of facilities for the collection and treatment of waste water and for the supply, treatment, and distribution of drinking water under the state water pollution control works and drinking water facilities financing program as established in sections 455B.291 through 455B.299. In order to provide for the repayment of a loan granted under the financing program, the commission may impose a lien on not more than ten percent of the annual revenues from user fees and related revenue derived from park and recreation areas under chapter 461A which are deposited in the state conservation fund. If a lien is established as provided in this paragraph, repayment of the loan is the first priority on the revenues received and dedicated for the loan repayment each year.

Sec. 4. EFFECTIVE DATE. The section of this Act amending section 456A.17, being deemed of immediate importance, takes effect upon enactment.

Approved March 10, 2010

CHAPTER 1035**MOTOR VEHICLE REGULATION — MISCELLANEOUS CHANGES***S.F. 2246*

AN ACT relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.1, subsection 7A, Code Supplement 2009, is amended to read as follows:

7A. “*Business-trade truck*” means a model year 2010 or newer motor truck with an unladen weight of ten thousand pounds or less which is owned by a corporation, limited liability company, or partnership or by a person who files a schedule C or schedule F form with the federal internal revenue service and which is eligible for depreciation under § 167 of the Internal Revenue Code. If the motor truck is a leased vehicle, the motor truck is a business-trade truck only if the lessee is a corporation, limited liability company, or partnership and the truck is used primarily for purposes of the business operations of the corporation, limited liability company, or partnership or the lessee is a person who files a schedule C or schedule F form with the federal internal revenue service and the truck is used primarily for purposes of the person’s own business or farming operation.

Sec. 2. Section 321.109, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. The annual registration fee shall be sixty dollars for a vehicle, otherwise subject to paragraph “a”, with permanently installed equipment manufactured for and necessary to assist a person with a disability who is either the owner or lessee of the vehicle or a member of the owner’s or lessee’s household in entry and exit of the vehicle or for such a vehicle if the vehicle’s owner or lessee of the vehicle or a member of the vehicle owner’s or lessee’s household uses a wheelchair as the only means of mobility shall be sixty dollars. This paragraph applies only to vehicles that are otherwise subject to paragraph “a” and to motor trucks with an unladen weight of ten thousand pounds or less that are otherwise subject to section 321.122. For purposes of this paragraph, “*uses a wheelchair*” does not include use of a wheelchair due to a temporary injury or medical condition.

Sec. 3. Section 321H.3, subsection 4, Code Supplement 2009, is amended to read as follows:

4. Storing more than six vehicles not currently registered or storing damaged vehicles except where such storing of damaged vehicles is incidental to the primary purpose of the repair of ~~motor~~ vehicles for others.

Sec. 4. Section 321H.6, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The licensee has been convicted of a fraudulent practice or any ~~other~~ indictable offense in connection with selling or other activity relating to ~~motor~~ vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99.

Sec. 5. Section 321H.6, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The licensee has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to vehicles.